

**United States District Court
Eastern District of Michigan
Southern Division**

The United States of America,

Criminal No. 17-30116

Plaintiff,

v.

Shelvie Lewis Avery,

Defendant.

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**Stipulation to Adjourn Preliminary Exam and
Complaint and to Find Excludable Delay**

The United States of America and Defendant agree that there is good cause to adjourn the Complaint, and the Preliminary Exam in this case scheduled for April 2, 2017, to a new date of April 6, 2017. *See* Fed. R. Crim. P. 5.1(d). This extension of time is necessary to allow the parties to investigate the facts of this case further and engage in plea negotiations. Defendant concurs in this request and agrees that it is in his best interest. The parties further stipulate and agree that the complaint remains in full force and effect through the new date of April 6, 2017. The parties stipulate and agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.

The parties also stipulate and agree that they have been, and continue to be, engaged in ongoing plea negotiations, from April 2, 2017, to a new date of April 6, 2017. And the period of delay between April 2, 2017 to April 6, 2017,

should be excluded in calculating the time within which the defendant shall be indicted under the Speedy Trial Act as “other proceedings concerning the defendant.” 18 U.S.C. § 3161(h)(1). *See also United States v. Dunbar*, 357 F.3d 582, 593 (6th Cir. 2004), vacated on other grounds (*Booker*), 543 U.S. 1099 (2005).

Additionally, the parties agree that the adjournment from April 2, 2017 to April 6, 2017 would serve the ends of justice, and that the failure to grant this continuance “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, “the ends of justice served by the granting of such continuance [will] outweigh the best interests of the public and the defendant in a speedy trial,” 18 U.S.C. § 3161(h)(7)(A), and the parties request an order to that end.

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March 21, 2017

**United States District Court
Eastern District of Michigan
Southern Division**

The United States of America,

Criminal No. 17-30116

Plaintiff,

v.

Shelvie Lewis Avery,

Defendant.

**Order Adjourning Preliminary
Examination and Complaint**

This matter coming before the court on the stipulation of the parties, it is hereby

ORDERED that good cause exists to extend the complaint and Preliminary Examination in this case, scheduled for April 2, 2017, to a new date of April 6, 2017.

See Fed. R. Crim. P. 5.1(d).

ORDERED that the complaint and the order setting conditions of bond remain in full force and effect.

ORDERED that the period from April 2, 2017 to April 6, 2017, shall be excluded from computing the time within which an information or indictment must be filed under the Speedy Trial Act because the parties are engaged in plea negotiations and because the ends of justice served by such continuance

outweigh the interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §§ 3161(h)(1) & (h)(7).

IT IS SO ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Entered: March 22, 2017